

REMARKS

The Applicants request reconsideration of this application in view of the present Amendment.

A. 35 U.S.C. 102(e)—Pinard et al.

Claims 1-10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Pinard et al. (“Pinard”).

Claim 1 recites wherein said telephone set receives said call command and, in response, passes said selected call command to said call control means for implementing said selected telephony function. Pinard does not disclose this feature.

Pinard discloses at col. 1, line 62 to column 2, line 6 that software is provided in the PDA and in the telephone that allows the PDA “to control communications functions of the telephone, such as dialing a number” Pinard, Col. 1, line 67 to Col. 2, line 1. Thus, in Pinard, the PDA controls the functionality of the telephone and the functionality of the telephone is used to create a signal that is communicated with the call control means. For example, to dial a specific phone number by the method disclosed by Pinard, software on the PDA communicates with software on the telephone and the telephone creates the signal to send to the call control means.

In stark contrast to Pinard, in claim 1 the telephone receives a “call command” that is fully actionable by the call control means and the telephone simply “passes” the call command to the call control means. In claim 1 the functionality of the telephone is not utilized and the telephone simply passes along the command from the PDA. For example, the command to dial a specific phone number is created by the PDA in claim 1 and the command is simply passed by the telephone to the call control device. This functionality, as claimed, is not disclosed in Pinard.

Because Pinard does not disclose a system wherein said telephone set receives said call command and, in response, passes said selected call command to said call control means for implementing said selected telephony function, claim 1 is not anticipated by Pinard under 35 U.S.C. § 102(e). Dependent claims 2-10 and 13 contain features that further distinguish those claims from the disclosure of Pinard and, thus, also are not anticipated by Pinard under 35 U.S.C. § 102(e).

B. 35 U.S.C. 102(e)—Schuster et al.

Claims 1-10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuster et al. (“Schuster”).

Claim 1 recites wherein said telephone set receives said call command and, in response, passes said selected call command to said call control means for implementing said selected telephony function. Similar to Pinard as discussed above, Schuster also does not disclose this feature.

Schuster discloses that “the PID 110 may contain . . . one or more applications that control the voice communication device 108”, Col. 8, lines 32-33, and “[t]he applications on the PID 110 that control the telephone may be used to initiate calls” Col. 8, line 43. Thus, in Schuster, like in Pinard, the PID, *i.e.*, the PDA, controls the functionality of the telephone and the functionality of the telephone is used to create a signal that is communicated with the call control means. This means, for example, that to dial a specific phone number by the method disclosed by Schuster, software on the PDA communicates with software on the telephone and the telephone creates the signal to send to the call control means.

In stark contrast to Schuster, in claim 1 the telephone receives a “call command” that is fully actionable by the call control means and the telephone simply “passes” the call command to the call control means. In claim 1 the functionality of the telephone is not utilized and the telephone simply passes along the command from the PDA. For example, the command to dial a specific phone number is created by the PDA in claim 1 and the command is simply passed by the telephone to the call control device. This functionality, as claimed, is not disclosed in Schuster.

Because Schuster does not disclose a system wherein said telephone set receives said call command and, in response, passes said selected call command to said call control means for implementing said selected telephony function, claim 1 is not anticipated by Schuster under 35 U.S.C. § 102(e). Dependent claims 2-10 and 13 contain features that further distinguish those claims from the disclosure of Schuster and, thus, also are not anticipated by Schuster under 35 U.S.C. § 102(e).

C. 35 U.S.C. § 103(a)--Harris

The Applicants respectfully assert that the previously submitted Declaration under 35 U.S.C. § 1.131 sufficiently alleges conception prior to October 31, 2000.

MPEP 715.07 (II) states that “[w]hen alleging that conception . . . occurred prior to the effective date of the reference, the dates in the . . . declaration may be actual dates or, if the applicant . . . does not desire to disclose his or her actual dates, he or she may merely allege that the acts referred to occurred prior to a specified date.” In the Declaration under 35 U.S.C. § 1.131, Mr. Gancarcik, an inventor, states “[p]rior to October 31, 2000, we conceived the above-identified and claimed invention.” This statement by Mr. Gancarcik meets the standard set forth in MPEP 715.07 (II).

Because the Declaration under 35 U.S.C. § 1.131 sufficiently alleges conception prior to October 31, 2000 as specified by MPEP 715.07 (II), the Applicants request that the rejection under 35 U.S.C. § 103(a) of claim 1 be withdrawn.

D. Conclusion

The applicants respectfully submit that the amendments and remarks presented herein overcome the outstanding rejections and place the application in condition for allowance and allowance is requested. The Examiner is invited to call the undersigned if a telephone call would help resolve any remaining issues.

Respectfully submitted,



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